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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/303,368 04/30/99 BRIGHT

M BU9-99-021

EXAMINER

PM92/0131

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O. CONNOR, G

ART UNIT

PAPER NUMBER

2167

DATE MAILED:

01/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/303,368

Applicant(s)
Bright et al.

Examiner
O'Connor

Group Art Unit
2167



- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-24 is/are pending in the application.
- Of the above, claim(s) none is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-24 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2167

DETAILED ACTION

Specification

1. The very lengthy specification has not been checked to the full extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in locating and correcting all informal errors in the specification.

The following example of such an informal error is noted:

- On page 5, line 2: "invention is to" should be --invention to--.

Appropriate correction is required.

Claim Objections

2. Claim 11 is objected to because of the following apparent informal error: It appears that, on line 1, "claim 9" was intended to be --claim 10--. Appropriate correction is required. For purposes of consideration of claim 11 in the remainder of this Office action, claim 11 will be assumed to depend from claim 10, rather than from claim 9.

3. Claims 3, 6, ~~8~~, 11, and ~~13~~ are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

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The various limitations comprising "means for" language fail to further limit the subject matter of their respective previous claims because the additional recitations merely comprise inherent elements which would necessarily be already present. For example, the order interceptor *cannot* receive the electronic sales order data (claim 1, lines 3-4), without *necessarily* having a means for receiving the electronic sales data (claim 3, line 2).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Blinn et al.

See, in particular, Figures 13 and 15.

6. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by

Johnson et al.


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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to the disclosure.
8. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, Jerry O'Connor, whose telephone number is (703) 305-1525.

GJOC

January 26, 2001

 1/29/01
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